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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,655	10/09/2001	Bum-Seok Cho	678-641(P9722)	9931

7590 03/29/2004

Paul J. Farrell, Esq.  
DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

EXAMINER

LE, DUY K

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/974,655

Applicant(s)

CHO, BUM-SEOK

Examiner

Duy K Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ritter (U.S. Patent 6,657,538).

As to claim 1, Figure 1 in Ritter shows a radio terminal (1) having a locking function, comprising:

a photographing unit (2) for capturing a user image to generate a pattern image of the user image;

a memory (3) for storing the pattern image of the user image; and

a controlling unit (3) for comparing the pattern image of the user image from the photographing unit with a pattern information of a reference user image stored in the memory, wherein the controlling unit cancels the locked state of the radio terminal, if the pattern information of the reference user image is the same as the pattern image of the user image (see Col. 4, lines 16-48).

As to claim 2, the Ritter reference discloses a radio terminal having a locking function according to claim 1, wherein said controlling unit maintains the locked state of the radio

Art Unit: 2685

terminal, if the pattern information of the reference user image is not the same as the pattern image of the user image (see Col. 4, lines 40-47).

As to claim 3, the Ritter reference discloses a method for locking and unlocking a radio terminal, which includes a photographing unit for capturing a user image and a memory for storing a pattern image of the user image captured by the photographing unit, the method comprising:

capturing the user image by the photographing unit, if the radio terminal is powered ON;  
comparing a pattern image of the user image, captured by the photographing unit, with a pattern information of a reference user image stored in the memory; and

canceling the locked state of the radio terminal, if the pattern information of the captured user image is the same as the pattern information of the stored reference user image (see Col. 4, lines 16-48).

As to claim 4, the Ritter reference discloses a method for locking and unlocking a radio terminal according to claim 3, wherein the memory pre-stores the pattern image of the user image captured by the photographing unit ("in the case where a plurality of biometric keys 11 of the user are known at the biometric server 10, it is possible to update biometric keys 11, which have changed, for instance, due to aging, directly from the mobile radio telephone 1" (Col. 4, lines 63-66). "The same information is likewise stored on the personal SIM card 3 of the user, preferably a GSM card, or on possibly several SIM cards 3 of a user group in corresponding tables 4" (Col. 3, lines 57-60)).

As to claim 5, the Ritter reference discloses a method for locking and unlocking a radio terminal according to claim 4, further comprising maintaining the locked state of the radio

terminal, if the pattern image of the captured user image is not the same as the pattern information of the stored reference user image (see Col. 4, lines 40-47).

As to claim 6, the Ritter reference discloses a method for locking and unlocking a radio terminal according to claim 3, further comprising updating the pattern image of the captured user image ("in the case where a plurality of biometric keys 11 of the user are known at the biometric server 10, it is possible to update biometric keys 11, which have changed, for instance, due to aging, directly from the mobile radio telephone 1" (Col. 4, lines 63-66)).

As to claim 7, the Ritter reference discloses a method for locking and unlocking a radio terminal having a photographing unit and a memory, comprising:

capturing a reference image by utilizing the photographing unit; storing the reference image in the memory ("in the case where a plurality of biometric keys 11 of the user are known at the biometric server 10, it is possible to update biometric keys 11, which have changed, for instance, due to aging, directly from the mobile radio telephone 1" (Col. 4, lines 63-66). "The same information is likewise stored on the personal SIM card 3 of the user, preferably a GSM card, or on possibly several SIM cards 3 of a user group in corresponding tables 4" (Col. 3, lines 57-60));

upon powering ON the terminal, utilizing the photographing unit to capture an input user image;

comparing the reference image to the input user image;

maintaining a locked state of the terminal, if the reference image and the input user image are not the same; and

Art Unit: 2685

canceling the locked state of the terminal, if the reference image and the input user image are the same (see Col. 4, lines 16-48).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Musgrave et al. (U.S. Patent 6,483,930) discloses iris imaging telephone security module and method.
- b. Scott et al. (U.S. Patent 6,272,562) discloses access control unit interface.
- c. Baumann (U.S. Patent 6,104,922) discloses user authentication in a communication system utilizing biometric information.

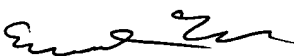
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy K Le whose telephone number is 703-305-5660. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2685

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duy Le  
March 17, 2004

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800